

Appl. No.: 10/675,937

Amdt. dated 03/16/2006

Reply to Office action of November 16, 2005

REMARKS/ARGUMENTS

Reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above amendments and remarks that follow. Claims 1-37 are pending in the application. Original claims 1 and 22 have been amended to recite that the first section of filter material has a greater particulate removal efficiency than the second section of filter material. Support for this amendment may be found throughout the specification, particularly on pages 3, 4, 25, and in Example 2. Claims 23-37 have been added. Support for the new claims may be found throughout the specification, and in particular on the above-referenced pages. Several of the new claims, such as claims 33-37, contain subject matter already present in other claims of record. Applicants respectfully submit that no new matter is introduced by these amendments.

Claim 22 stands rejected under 35 U.S.C. §102(h) as being anticipated by U.S. Publication No. 2004/0237984 to Figlar *et al.* The Examiner relies upon the Figlar reference as disclosing a filter element comprising two sections of filter material and a compartment therebetween, wherein the compartment may contain an adsorbent material and an ion exchange resin. Applicants respectfully traverse this rejection.

In order to support an anticipation rejection, a reference must teach each and every element of the rejected claim. In the present case, the Figlar reference clearly fails to teach, or even remotely suggest, one or more elements of claim 22. The Figlar reference is directed to a cigarette filter comprising layers of adsorbent packed within separate compartments in a cigarette filter. In other embodiments, the Figlar reference teaches that the various adsorbent materials are dispersed throughout a filter plug material. However, at no point, does the Figlar disclosure teach a cigarette filter wherein an adsorbent material is contained within a compartment defined between two sections of filter material and an ion exchange resin is dispersed within one or both of the sections of filter material. Claim 22 clearly recites that the ion exchange resin is dispersed within at least one section of filter material while a separate adsorbent material is contained within a compartment. A filter of this type is simply not described in the Figlar patent. In most embodiments described in the Figlar reference, both types of adsorbent materials are dispersed within filter plug segments. In the only embodiment wherein a compartment is defined between

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filter segments, both types of adsorbent material are packed in beds within the filter. There is not a single embodiment in the Figlar reference that describes one type of adsorbent packed within a compartment in the filter and a second adsorbent dispersed within a filter plug material.

Additionally, as noted above, claim 22 has been amended to recite that the first section of filter material proximal to the tobacco rod has a greater particulate removal efficiency than the second section of filter material positioned distal from the tobacco rod. The Figlar reference clearly fails to teach or even remotely suggest a cigarette filter having multiple filter sections of differing particulate removal efficiency as described in Applicants' specification and recited in claim 22. For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-17, 19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-described Figlar publication. The Examiner relies upon the Figlar reference in this rejection largely in the same manner as described above. Applicants respectfully traverse this rejection.

As noted above, independent claim 1 and newly-presented independent claim 29 recite that the filter comprises two sections of filter material and further recites that the section of filter material proximal to the tobacco rod has a greater particulate removal efficiency than the section of filter material distal from the tobacco rod. Dependent claims 23-28 and 30-32 describe one manner in which a difference in particulate removal efficiency can be accomplished. More particularly, these claims note that a filter material comprising filaments having a lower weight per unit length can be used to provide a greater particulate removal efficiency.

There is simply nothing in the Figlar reference to teach or suggest a filter configuration as presently claimed. The Figlar reference provides no specific teaching as to the particulate removal efficiency of any section of the filters described therein, and certainly fails to suggest that one section of filter material should have a different particulate removal efficiency than another section. For this reason, it is respectfully submitted that the pending claims must be viewed as novel and non-obvious with respect to the Figlar application.

It is also noted that Applicants have provided evidence of unexpected results that further weigh against any obviousness rejection of the claims as now presented. Surprisingly, as

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described in Example 2, the inventors have discovered that a filter comprising a filter segment having a higher particulate removal efficiency proximal to the tobacco rod provides greater reduction in certain volatile and semi-volatile mainstream smoke components than a filter having a mouth-end filter segment with greater particulate removal efficiency (see Example 1). The cited art fails to teach or suggest a filter comprising the characteristics described above, and certainly fails to predict the surprising results that such a configuration provides. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.

It is believed that all pending claims are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned should the Examiner have any comments or suggestions in order to expedite examination of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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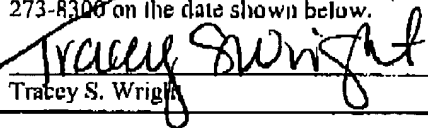
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3/16/06
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